

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

Pluecker <i>et al.</i>)	
,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 1:18-cv-01100-RP
)	
Paxton, <i>et al.</i>)	
)	
)	
Defendants.)	

MOTION FOR PRELIMINARY INJUNCTION

Pursuant to Fed. R. Civ. P. 65, Plaintiffs, John Pluecker, Obinna Dennar, Zachary Abdelhadi, and George Hale (hereinafter “Plaintiffs”), hereby move for a preliminary injunction to enjoin Defendants Ken Paxton, Attorney General of Texas, the Board of Regents of the University of Houston System, in the name of the University of Houston, the Trustees of the Lewisville Independent School District, in the name of the Lewisville Independent School District, the Trustees of the Klein Independent School District, in the name of the Klein Independent School District, and the Board of Regents of the Texas A&M University System, in their official capacities, from applying or enforcing the “No Boycott of Israel” certification requirement as set forth in House Bill 89 (the “Act”), which is codified at Texas Government Code Sections 808.001 *et seq.* and 227.002 *et seq.*

As set forth in more detail in the accompanying memorandum, the Act’s requirement that government contractors certify that they do not and will not boycott Israel for the life of the contract is a clear violation of the First and Fourteenth Amendments. The right to engage in

political boycott is protected by the First Amendment, and the State may not force contractors to choose between their livelihoods and their First Amendment rights. Additionally, the Act is brazen content and viewpoint discrimination because it singles out particular speech—boycotts of Israel—because the State of Texas disagrees with the message conveyed by such boycotts. The Act also unconstitutionally compels speech by forcing contractors to take a public stance on a controversial issue unrelated to the requirements of their job. Finally, the Act is unconstitutionally vague, in that an ordinary citizen could not tell whether their actions constitute a “Boycott of Israel,” as it is defined by the Act.

In support of this Motion, Plaintiffs rely on the accompanying memorandum, declarations and exhibits.

Pursuant to Local Rule CV 7(i), Plaintiffs’ counsel conferred with counsel representing Defendants Ken Paxton, the Board of Regents of the University of Houston System, and the Board of Regents of the Texas A&M University System, who indicated that they were opposed to this Motion. Counsel for the Trustees of the Lewisville Independent School District and the Trustees of the Klein Independent School District took no position on the motion as he had not yet had an opportunity to confer with his clients.

Respectfully submitted,

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ATTORNEYS FOR PLAINTIFFS

* Applications for admission are forthcoming/pending

**Admitted *pro hac vice*

CERTIFICATE OF SERVICE

I affirm that, immediately after filing, this document and all of its exhibits will be served on the following counsel via registered and electronic mail:

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